

Message Text

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ACTION L-03

INFO OCT-01 EUR-12 IO-10 ISO-00 DLOS-04 ACDA-05 AGR-05

AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 OFA-01

COME-00 DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FEAE-00

FMC-01 TRSE-00 H-02 INR-07 INT-05 JUSE-00 NSAE-00

NSC-05 NSF-01 OES-03 OMB-01 PA-01 PM-04 PRS-01 SP-02

SS-15 USIA-06 OIC-02 AF-06 ARA-06 EA-07 NEA-10 /147 W
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R 311813Z OCT 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC 4029

INFO AMEMBASSY OSLO

USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 01 OF 02 BONN 17884

FROM OXMAN

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS CONSULTATION WITH EVENSEN AND STAFF

1. SUMMARY: LOS CONSULTATIONS IN OSLO OCT. 29 AND 30 BOTH TIMELY AND HELPFUL IN TERMS PLANNING FOR NEXT EVENSEN GROUP MEETING AND BEYOND. ATMOSPHERE VERY FRIENDLY. EVENSEN GAVE ME COPY OF DRAFT MEXICAN 200-MILE ECONOMIC ZONE CONSTITUTIONAL AMENDMENT AND LAW, WHICH WOULD BE TIMED TO TAKE EFFECT JUNE 1. END SUMMARY.

2. AGENDA FOR DECEMBER EVENSEN MEETING. AS OF TIME I ARRIVED, DRAFT INVITATION LETTER CONTAINED FOLLOWING ITEMS:

- A) POLLUTION, COMMENCING WITH CHAPTER 7.
- B) COORDINATION OF PARTS I AND II OF SNT WITH PART III.

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C) DEFINITION OF OUTER EDGE OF CONTINENTAL MARGIN AND

REVENUE SHARING.

AS RESULT CONVERSATION, ITEM (B) WILL BE DEFERRED, AND EVENSEN WILL ADD AFTER CONTINENTAL MARGIN AN ITEM ON LANDLOCKED AND GDS ISSUE, BASICALLY ACCESS TO FISHERIES (SNT ARTS. 57-59). THIS SHOULD HELP REDUCE CRITICISM OF EVENSEN GROUP, ATTRACT BROADER PARTICIPATION IN MEETING, AND ADD POSSIBLY TO MORE COOPERATIVE ATTITUDE ON THE MARGIN QUESTION.

3. SCIENTIFIC RESEARCH. EVENSEN AGREED NOT TO RAISE RESEARCH ISSUE AT DECEMBER MEETING. HOWEVER, I AM CARRYING PERSONAL AND CONFIDENTIAL LETTER FROM EVENSEN TO UNDERSECRETARY MAW FORWARDING "STRICTLY CONFIDENTIAL.. DRAFT ARTICLES ON SCIENTIFIC RESEARCH WHICH EVENSEN HOPES TO DISCUSS IN "SMALL GROUP" DURING N.Y. MEETING. CASTANEDA ALREADY HAS COPY, AND OTHER "SMALL GROUP" PARTICIPANTS AS WELL AS AMB.YANKOV AND BERNARDO ZULETA WILL GET COPIES. I TOLD EVENSEN WE WOULD TRY TO COMPLETE OUR POLICY REVIEW ON RESEARCH BY THEN BUT COULD NOT BE SURE; TO EMPHASIZE POINT, I DECLINED TO GIVE EVEN PRELIMINARY PERSONAL REACTION TO DRAFT ARTICLES ON SECOND DAY OF MEETING. EVENSEN NOW AWARE PROBLEM IS MORE SENSITIVE THAN HE THOUGHT.

4. POLLUTION. WHILE TRESSELT IS PREPARING REDRAFT OF ARTICLES 1 TO 19, NO REPEAT NO DECISION HAS BEEN MADE TO CIRCULATE THEM BEFORE FIRST READING ON ENFORCEMENT IS COMPLETED. I REVIEWED OUR POINTS IN THESE ARTICLES. TRESSELT'S INCLINATION IS TO WAIT AND CIRCULATE REDRAFT PACKAGE TO DEFLECT ATTENTION FROM ISSUES TENTATIVELY RESOLVED (EG. DOUBLE STANDARD). VINDENESS AND TRESSELT SEEMED GENERALLY IMPRESSED WITH OUR VIEW OF COMPROMISE PACKAGE SOLUTION ON VESSELS, BUT FELT THERE WOULD STILL BE A SIGNIFICANT PUSH FOR COASTAL STATE DISCHARGE STANDARDS. TRESSELT SPECIFICALLY SAID MARITIME STATES MADE A MISTAKE IN REJECTING PORT STATE ENFORCEMENT AT 1973 LONDON CONFERENCE.

5. CONTINENTAL SHELF. GON HAS NOT COMPLETED INTERNAL REVIEW OF U.S. DRAFT, BUT SEEMED GENERALLY FAVORABLE, CONFIDENTIAL

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PARTICULARLY TO LISTING 200 MILES BEFORE MARGIN IN DEFINITION. THEY AGREED THAT LDC'S SEE UK APPROACH TO REVENUE SHARING AS CREATING TOO MANY LOOPHOLES AND PREFER U.S. APPROACH.

6. STRAITS. VINDENESS RAISED AGAIN PROBLEM WITH WORDING OF INTERNAL WATERS EXCEPTION. SPECIFIC PROBLEM IS WORDS "PRIOR TO"; GON PREFERS "PREVIOUSLY REGARDED" FORMULA

IN TERRITORIAL SEA CONVENTION AND ARTICLE 7 OF SNT.
I SAID WE WOULD LOOK AT DRAFTING AND DISCUSS IT WITH
THEM PRIVATELY IN N.Y. THE PROBLEM IS THAT SOVIETS
CURRENTLY REQUEST PERMISSION FOR WARSHIP TRANSIT OF
INTERNAL WATERS INLAND PASSAGE IN NORTH; GON DOES NOT
WANT THIS TO CHANGE. GON HAS NOT RAISED THE QUESTION
WITH THE SOVIETS.

7. ARCTIC. LEGAL ADVISOR ELIASSEN TOLD US THAT SOVIETS
RECENTLY PROPOSED EXTENDING LAND BORDER ARRANGEMENTS WITH

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NORWAY TO MARITIME BORDER. NORWAY RESPONDED AFFIRMATIVE-
LY, PROVIDED SOVIETS RECOGNIZED THAT MERE CROSSING OF
BOUNDARY BY A VESSEL WAS NOT ILLEGAL SINCE THERE
IS A RIGHT OF INNOCENT PASSAGE IN THE TERRITORIAL SEA.

SOVIETS REJECTED THIS PROVISION.

8. ECONOMIC ZONE AND DEFINITION OF HIGH SEAS.
DURING LONG EXCHANGE, I MADE CLEAR TO VINDENESS THAT REDRAFT OF ARTICLE 73 THAT ELIMINATES EXCLUSION OF ECONOMIC ZONE FROM HIGH SEAS IS PROBABLY THE ONLY WAY TO AVOID COMPLETE REOPENING OF ARTICLE 47. EVENSEN FOUND U.S. TEXT "REASONABLE", BUT FEARED PHILOSOPHICAL PROBLEMS WITH LDC'S. VINDENESS AGREED WITH OUR OBJECTIONS TO ARTICLES 45 AND 47 (4). HE ALSO AGREED TO LINKING ALLOWABLE CATCH IN ARTICLE 50 (1) TO CRITERIA IN ARTICLE 50 (3) BY AMENDING 50 (3), BUT STRONGLY URGED
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THAT NO REPEAT NO CHANGE BE MADE IN 50 (1) AS THIS WOULD FLAG THE ISSUE. HE WAS NON-COMMITTAL ON ELIMINATING LIST IN ARTICLE 51. I GAVE EVENSEN GENERAL BRIEFING ON UPCOMING TUNA MEETING. VINDENESS ACCEPTED U.S. AMENDMENT TO "NORWAY CLAUSE..REGARDING LOW-TIDE ELEVATIONS IN ARTICLE 6 (4). EVENSEN REACTED WITH NON-COMMITTAL UNDERSTANDING TO U.S. AMENDMENT TO ARTICLE 48 (INSTALLATIONS) DELETING THE WORD 'MAY'. HE SAID IT SHOULD BE CLEAR THAT THE FLAG STATE ITSELF COULD BE REQUIRED TO REMOVE THE INSTALLATION IF IT IS FOUND TO INTERFERE AFTER THE FACT; I SAID I THOUGHT THIS WOULD BE THE LIKELY PRACTICAL RESULT, SINCE THE COASTAL STATE WOULD PROBABLY WISH TO AVOID THE EXPENSE, AND THE FLAG STATE WOULD PROBABLY WISH TO RETAIN CONTROL AND POSSESSION OF ITS PROPERTY.

9. THIRD EVENSEN MEETING. EVENSEN MENTIONED POSSIBLE MEXICAN INVITATION FOR THREE WEEKS IN LATE JANUARY. HE WAS WORRIED THAT YUCATAN RESORT SITE COULD REDUCE LDC PARTICIPATION AND OPEN PARTICIPANTS TO CHARGES OF NOT BEING SERIOUS. MOREOVER, AMERASINSHE HAD TAKEN A POSITION OF PRINCIPLE IN FAVOR OF N.Y. WHEN PRESENTED WITH IDEA OF YAOUNDE MEETING OF COMMITTEE I GROUP.

10. LARGE AMOUNT OF WORK ACCOMPLISHED IN SHORT TIME, DESPITE LAST MINUTE CHANGES IN EVENSEN SCHEDULE LINKED TO VISIT OF SOVIET FISHERIES MINISTER ISHKOV, DUE TO EXCELLENT MEETING AND SOCIAL ARRANGEMENTS BY AMEMBASSY OSLO.
HILLENBRAND

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